

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. <u>1:21-cr-00452-ECM-JTA</u>
)	[18 U.S.C. § 2423(a);
)	18 U.S.C. § 2251(a) and (e)]
JOHN DAVID TWOMEY)	
)	
)	<u>SUPERSEDING INDICTMENT</u>

The Grand Jury charges:

COUNT 1
(Transportation of Minors)

On or about October 3, 2021 in the Middle District of Alabama, the defendant,

JOHN DAVID TWOMEY,

did knowingly transport an individual who had not attained the age of 18 years, to wit: Minor
Victim 1, in interstate and foreign commerce, to wit: between the State of Alabama and the State
of Texas, with intent that the individual engage in sexual activity for which any person can be
charged with a criminal offense, including, Sexual Assault which is a criminal offense under
Texas Penal Code Ann. § 22.011, in violation of Title 18, United States Code, Section 2423(a).

COUNT 2
(Sexual Exploitation of a Child)

On or about October 3, 2021, in the Middle District of Alabama, and elsewhere, the
defendant,

JOHN DAVID TWOMEY,

employed, used, persuaded, induced, enticed, and coerced and attempted to employ, use, persuade, induce, entice, and coerce any minor, to wit: Minor Victim 1, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and transporting and transmitting such visual depiction using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce. All in violation of Title 18, United States Code, Section 2251(a) and (e) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

A. The allegations contained in Count 2 of this Superseding Indictment are incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2253.

B. Upon conviction for the violation of Title 18, United States Code, Section 2251(a) and (e) as alleged in Count 2 of this Superseding Information, the defendant,

JOHN DAVID TWOMEY,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253:

(1) any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of such offense(s);

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense(s); and,

(3) any property, real or personal, used and intended to be used to commit and to promote the commission of such offense(s). The property includes, but is not limited to, a Samsung GSM SM-A115A cellular telephone, IMEI 355678116536248, bearing serial number R95R102HT2V.

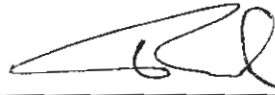
C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred and sold to, and deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to seek an order of this Court forfeiting any other property of said defendant up to the value of any property described in paragraph B above.

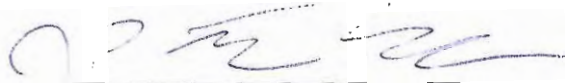
All pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL:

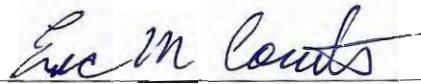


Foreperson

SANDRA J. STEWART
ACTING UNITED STATES ATTORNEY



J. Patrick Lamb
Assistant United States Attorney



Eric M. Counts
Assistant United States Attorney